IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(*Special Original Jurisdiction*)

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FRIDAY, THE TENTH DAY OF MARCH

TWO THOUSAND AND SIX

P R E S E N T

THE HON'BLE SRI JUSTICE V.ESWARAIAH

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WP.No.4666 OF 2006

Between:

S.Surender Singh … Petitioner

Versus

Municipal Corporation of Hyderabad,

Represented by its Commissioner,

Hyderabad. … Respondent

Counsel for the Petitioner: Sri B.Srihari

Counsel for the Respondent: Mr.Rama Rao Ghanta

O R D E R :

The case of the petitioner is that he has purchased shop no.1 in the cellar of Sai Towers bearing part of Municipal No.16-11-477/6/1/A, admeasuring 500 sq.feet including common areas together with 39.41 sq.yards or equivalent to 32.95 sq.mts. an undivided share of land out of 750.00 sq.yards situated at Gaddi Annaram, Dilsukhnagar, Hyderabad.

It is stated that the petitioner purchased the said property through registered sale deed, vide document no.2555/1998 dated 07-12-1998 from his vendor, Smt.Makkapati Seetharamamma, Smt.P.Kusuma and others.

It is stated that the unauthorized constructions made in respect of the cellar, ground floor first floor to fourth floors were regularized, and therefore, the petitioner is entitled to occupy the said cellar portion for the purpose of doing his business under the name and style 'Tipsy Topsy Ice Cream and Fast Food (Bakery).

Having regard to the facts and circumstances, without going into the merits of the writ petition, I am not inclined to express any opinion whether the same is earmarked for the purpose of parking and whether the petitioner has got any right to make use of the said shop. If the said cellar portion is earmarked for parking purpose, the petitioner is not entitled to prevent the respondents from demolishing and making use of the cellar portion only for

the parking purpose. But however, without issuing any notice with regard to the deviations or unauthorized use of the parking area etc., the respondent cannot demolish or dispossess the petitioner.

Having regard to the facts and circumstances, I consider it appropriate to direct the respondent to issue notice specifying as to whether the shop no.1 in cellar of Sai Towers bearing part of Municipal No.16-11-477/6/1/A, situated at Gaddi Annaram, Dilsukhnagar, Hyderabad, as parking area and mention the grounds on which the said area is liable to be demolished and then only take appropriate action in accordance with law.

With the above direction, the writ petition is accordingly disposed of at the admission stage.

No costs.

MARCH 10th, 2006. ----------

Is L. V. ESWARAIAH , J.